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Glander International Bunkering Inc. Counsel

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Glander International Bunkering Inc.

Plaintiff,

v.

M/V TERESA (IMO 9175016), *in rem*,

Defendant.  
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**CIVIL ACTION NO.:  
ECF CASE**

**VERIFIED INTERVENING  
COMPLAINT WITH REQUEST  
FOR ISSUE OF WARRANT  
OF ARREST OF VESSEL**

Glander International Bunkering Inc. (“Glander”) brings this Verified Complaint against defendant M/V TERESA (IMO 9175016), *in rem* (“Vessel”), for services and goods , namely, marine fuel, which Glander provided on the order of the charterer and/or owner of the Vessel and states further as follows:

**JURISDICTION AND VENUE**

1. This is an admiralty and maritime claim within the meaning of Fed. R. Civ. P. 9(h) as it involves claims for enforcement of a maritime lien and for unjust enrichment.

2. This action also falls within this Court’s admiralty and maritime jurisdiction under 28 U.S.C. § 1333, 46 U.S.C. § 31342, and Rule C of the Supplemental Rules of Certain Admiralty and Maritime Claims (“Supplemental Rule[s]”) for arrest of the Vessel.

3. On information and belief, the Vessel will be or is present in navigable waters within the jurisdiction of this Court during the pendency of this action, and therefore, venue is proper pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

4. Glander is a Nevada corporation with its principal business place in Miami.

5. Defendant Vessel is Liberian flagged pusher/ assist tug.

### **FACTS**

6. This is an action in admiralty, *in rem*, to enforce maritime liens for necessities, namely, marine fuel, which Plaintiff provided to the Vessel on the order of the Vessel's owner and/or charterer and/or operator, Unico Commodities and/or Unico Marine (herein collectively, Unico). These liens arise from Intervening Plaintiff's provision of necessities to the Vessel pursuant to 46 U.S.C. § 31342.

7. Unico Commodities and/or Unico Marine, which owns and/ or operated and/or chartered the Vessel, Glander provided marine fuel to the Vessel at New Orleans, Louisiana on August 3, 2021 and at Bayonne, New Jersey on August 31, 2021, invoicing Unico Commodities as follows:

Invoice		Original Amount	Remaining Amount	Due Date
GIB0821089	TERESA 08/03/21	\$ 345,653.34	\$ 345,653.34	9/2/2021
-	LATE CHARGES	\$ 69,130.67	\$ 69,130.67	
	Contractual Interest to 12/6/2021	\$ 21,891.38	\$ 21,891.38	
GIB0821358	TERESA 08/31/21	\$ 130,926.90	\$ 130,926.90	9/30/2021



2. That the Court find that Plaintiff holds valid maritime liens against the Vessel and its engines, appurtenances, furnishings, machinery, and equipment as provided by 46 U.S.C. § 31342, and by federal law construing the statute;

3. That the Court judgment *in rem* against the Vessel, including without limitations all of its engines, machinery, tools, boats, anchors, chains, tackle, fittings, navigation equipment, and all other equipment and appurtenances appertaining or belonging to the Vessel, whether on board or not, and order that Plaintiff's claims of at least \$ 599,635.74 as detailed above, be asserted and executed against the Vessel for Plaintiff's maritime liens, *in rem*, and that the Vessel be sold to satisfy Plaintiff's maritime liens *in rem*;

4. That the Court award Plaintiff its costs and other expenses incurred in connection with this proceeding, including without limitations, all costs incurred in *custodia legis*; and

5. That the Court grant such other legal and equitable relief as this Court deems just and proper.

Dated: December 9, 2021.

/s/ J. Stephen Simms  
J. Stephen Simms (*pro hac* pending)  
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Counsel to Glander International  
Bunkering Inc.

### **Verification**

I am a principal of Simms Showers LLP, counsel to Plaintiff. No officer of Plaintiff is present in this District to make this declaration, which Plaintiff has authorized me to make on its behalf based on facts including documents received from Plaintiff. The facts alleged in the foregoing complaint are true and correct to the best of my knowledge and information based upon the records of Plaintiff.

Pursuant to 28 U.S.C. § 1746(1), I certify under penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2021.

/s/ J. Stephen Simms  
J. Stephen Simms